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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

THOMAS FRISCHIA,) 1:05-cv-0433 OWW LJO
Plaintiff,)
v.) STIPULATION AND ORDER
JO ANNE B. BARNHART,) FOR REMAND PURSUANT TO
Commissioner of Social) SENTENCE FOUR OF 42 U.S.C.
Security,) § 405(g), and
Defendant.) REQUEST FOR ENTRY OF JUDGMENT
) IN FAVOR OF PLAINTIFF AND
) AGAINST DEFENDANT

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that this action be remanded to the Commissioner of Social Security for further administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(q), sentence four.

On remand, the Appeals Counsel will instruct an Administrative Law Judge ("ALJ") to further consider the issue of medical improvement with respect to the findings in the comparison point decision dated January 29, 1999.

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff and against Defendant, Jo Ann B. Barnhart, Commissioner of Social Security, reversing the final decision of the Commissioner.

1 Respectfully submitted,

2 Dated: March 27, 2006

/s/ Gina M. Fazio
(As authorized via facsimile)
GINA M. FAZIO
Attorney for Plaintiff

6 Dated: March 28, 2006

McGREGOR W. SCOTT
7 United States Attorney

8 /s/ Kristi C. Kapetan
9 KRISTI C. KAPETAN
Assistant U.S. Attorney

10 IT IS SO ORDERED.

11 Dated: April 6, 2006
12 emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE